(111)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1341 OF 2001

Petitioner Shyam Sundar Dewangan, Son of Late Laxminath Dewangan, Retired Head Master, Middle School, Remawand, Block Narayanpur, District Bastar, Chhattisgarh.

Versus

Respondents

1. State of M.P., Through Director, Public Instruction, Vallabh Bhawan, Bhopal.
2. The Commissioner, Bastar Division, Bastar, Chhattisgarh.
3. Divisional Deputy Commissioner, Tribal Education Bastar, Jagdalpur, Chhattisgarh.
4. Block Education Officer, Narayanpur, Bastar (Chhattisgarh).
5. State of Chhattisgarh, Through Secretary, Education Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh).
6. State Administrative Tribunal, Bench at Raipur (CG), Through Registrar, State Administrative Tribunal, Raipur.

Present: Shri Rahul Birthery, counsel for the petitioner.
Shri Vinay Harit, Dy. Advocate General for the State of CG.

ORAL ORDER
(Dated 16th November, 2006.)

The following oral order of the Court was passed by **S.R. Nayak, CJ.** :

The dispute brought before the Court relates to the date of birth of the petitioner – retired employee. There is no need for us to refer to all the facts set out in the order of Madhya Pradesh Administrative Tribunal, Raipur Bench (for short "the Tribunal"). Suffice it to state that admittedly the petitioner made entry into the public service as far as back in the year 1958. In the year 1958 service register of the petitioner was opened. In the service register, 01-11-1937 was recorded as the date of birth of the petitioner. The date of birth is recorded both

in figure and in words. The Tribunal has pointed out that the handwriting of recording of the date of birth in words as well as in figure and other entries made in the service register are by the same official and in the same handwriting. The Tribunal has pointed out that subsequently the date of birth in figure has been manipulated and altered as 01-11-1939 and therefore, the version of the petitioner that when the service register was opened his date of birth was recorded as 01-11-1939, but, subsequently somebody manipulated the record was disbelieved by it. The version of the petitioner is highly incredible and the Tribunal has rightly disbelieved that version. Be that as it may, it is well settled that if date of birth of an official is not correctly recorded in the service register, the concerned official is required to bring it to the notice of the concerned for correction or workout legal remedies without much loss of time. Here is a case where the petitioner made entry into service as far as back in the year 1958, and the petitioner started litigating only after he was retired on attaining the age of superannuation on 29-10-1997, nearly after lapse of 39 years from making entries in the service register. Such a claim cannot be entertained at all in view of the judgments of the Hon'ble Supreme Court in the cases of **Union of India and others vs. Saroj Bala (MRS)**[1], **Union of India vs. Harnam Singh**[2], **Burn Standard Co. Ltd. and others vs. Dinabandhu Majumdar and Another**[3], **Visakhapatnam Dock Labour Board vs. E. Atchanna and others**[4] and umpteen number of judgments of Hon'ble Supreme Court to follow. The writ petition is devoid of merit and it is accordingly dismissed.

Gowri

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge

[1] (1996) 2 SCC 81
[2] AIR 1993 SC 1367
[3] AIR 1995 SC 1499
[4] (1996) 2 SCC 484